

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

Case No. 05 11304 RGS

CHRISTINE MONAHAN, )  
Plaintiff )  
v. )  
NATIONAL RAILROAD PASSENGER CORPORATION, )  
d/b/a AMTRAK, )  
Defendant )

**MOTION TO WITHDRAW AS COUNSEL**

NOW COMES Englander & Chicoine P.C. ("Petitioner") and, pursuant to Rule 83.5.2(c) of the Local Rules of the United States District Court, requests leave of the Court to withdraw from employment as counsel for Plaintiff Christine Monahan. In support hereof, Petitioner states the following.

1. Prior to the commencement of this action Petitioner entered into a fee agreement with Plaintiff Monahan in regard to Petitioner's legal services.
2. In July 2006, September 2006, and October 2006 Petitioner sent written communications to Ms. Monahan regarding the substantial outstanding bill for legal services. Petitioner also made numerous attempts to contact Ms. Monahan by telephone regarding the substantial outstanding bill for legal services.
3. On October 11, 2006, Petitioner sent a written communication to Ms. Monahan which specifically stated that Petitioner would seek to withdraw from representation if Ms. Monahan did not meet her agreed-upon obligation to Petitioner.
4. Rule 1.16(b)(4) of the Massachusetts Rules of Professional Conduct states that "a lawyer may

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withdraw from representing a client if withdrawal can be accomplished without material adverse effect on the interests of the client . . . if the client fails substantially to fulfill an obligation to the lawyer regarding the lawyer's services and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled.

5. Petitioner's continuing representation of Ms. Monahan will result in an unreasonable financial burden and has been rendered unreasonably difficult by the client. *See* Rule 1.16(b)(5) of the Massachusetts Rules of Professional Conduct.
6. Permitting Petitioner to withdraw as counsel at this juncture will not adversely affect Plaintiff's interests because there are no motions pending before the Court, no hearings or conferences are scheduled, and no trial date has been set.

WHEREFORE Petitioner respectfully requests the Court to ALLOW this motion, thereby permitting Englander & Chicoine P.C. to withdraw from employment as counsel for Plaintiff.

Respectfully submitted,  
Christine Monahan

By her attorneys,



Edward S. Englander (BBO # 154540)

Denise A. Chicoine (BBO # 564152)

ENGLANDER & CHICOINE P.C.

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Newton, MA 02458-1633

Tel. (617) 964-5400

Date: October 18, 2006

**CERTIFICATE OF SERVICE**

I, Denise A. Chicoine, hereby certify that I served the enclosed

**MOTION TO WITHDRAW AS COUNSEL**

on counsel of record by sending a true copy of same to:

Stephen E. Hughes, Esq.  
Bonner Kiernan Trebach & Crociata  
One Liberty Square, 6<sup>th</sup> Floor  
Boston, MA 02109

via electronic filing.

  
Denise A. Chicoine, Esq.